

Board of County Commissioners  
Leon County, Florida  
Regular Meeting  
October 14, 2003  
**Draft**

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thaell, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Commissioner Proctor followed by the Pledge of Allegiance to the Flag.

**Awards and Presentations**

- Commissioner Thaell, on behalf of the Board, presented the attached resolution to Pat Curtis, MIS Director, and staff, recognizing and honoring the County's MIS Division, for ranking for ranking 2<sup>nd</sup> in the Country for medium-sized counties by NACo and Digital Counties E-Government Survey: Pat Curtis, MIS, thanked the Board for their support and gave some points of information regarding internet access:
  - Averaging over 4,100 visits per day at the main site
  - Library site – 100 distinct visits each day
  - Property Appraiser – over 1,000
  - GIS Mapping Services – over 1,000
  - On-line Permitting – 160 visits each day
  - Most of the activity is occurring during the day, but one-third hits occur after hours
  - Pages most accessed are Property Appraiser, GIS Maps, Library and Tax Collector site
  - Most people are looking at information and are downloading information and getting documents
  - Over 36,000 zoning maps have been downloaded over the last year
  - 18,000 school zone maps are being downloaded
  - 46,000 job applications have been downloaded
  - 6,600 mosquito school book activities are being downloaded
  - 4,400 sample ballots were downloaded
  - Citizens are using the site and the trend will continue.

- Chairman Grippa, on behalf of the Board, presented Proclamations to the Volunteer Fire Departments (VFD), (Chaires-Capitola, Lake Iamonia, Lake Jackson, Lake Tallquin, Miccosukee and Woodville) honoring the Volunteer Firefighter of the year and declaring Tuesday, October 14, 2003 as *Volunteer Firefighter Day*. Accepting the proclamations were: Eddie Fulton of the Lake Jackson VFD, Jack Herron of the Miccosukee VFD, and Mike Copenhaver of the Lake Jackson VFD.

The firefighter of the year will be selected on Saturday, October 18, 2003 at Lake Jackson Trading Post, North Monroe and Crowder Road at a special event from 10:00 a.m. – 1:00 p.m.

### **Consent**

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve the following consent agenda with the exception of Items 9, 17, 22, 24, and 30, which were addressed as described:

1. Approval of Minutes

The Board approved the Minutes of: June 12, 2003 Special Joint City-County Transmittal Hearing on Cycle 2003-2 Comprehensive Plan Amendments and September 16, 2003 Regular Meeting.

2. Approval of Payment of Bills and Vouchers

The Board approved Option 1: Approve the payment of bills and vouchers submitted for approval for October 14, 2003 and pre-approve payment of bills and vouchers for the period of October 15, 2003 through October 27, 2003: \$11,278,391.71.

3. Approval of Certification of the Recapitulation of the 2003 Tax Roll

The Board approved Option 1: Approve certification of the recapitulation of the 2002 tax roll, which entitles the Tax Collector to credit the tax assessment roll accordingly. (The recapitulation is the reconciling document, which balances the tax roll as a result of errors, including insolvencies and double assessments, litigation discounts, penalties, and additions, which are discovered during the tax collection period. See attached:

4. Authorization to Accept the Department of Transportation Speed Enforcement Subgrant in the Amount of \$55,909

The Board approved Option 1: Accept the Florida Department of Transportation Speed Enforcement Sub-Grant Award in the amount of \$55,909, approve the related budget amendment, budget resolution, and authorize the Chairman to execute:

5. Authorization to Accept the Department of Transportation DUI Enforcement Subgrant in the Amount of \$201,501

The Board approved Option 1: Accept the Florida Department of Transportation DUI Enforcement Sub-Grant Award in the amount of \$201,501, approve the attached related budget amendment, budget resolution, and authorize the Chairman to execute:

6. Acceptance of a Department of State Voter Education Grant in the amount of \$46,857

The Board approved Option 1: Accept the Department of State Voter Education Grant in the amount of \$46,857, authorize the Chairman to execute the agreement and approve the attached budget amendment and budget resolution:

7. Approval of Amendment #001 to Juvenile Dependency Mediation Contract Between the Department of Children and Families and Leon County

The Board approved Option 1: Approve Amendment #001 to Contract BJP05 between the Department of Children and Families and Leon County, and authorize the Chairman to execute.

8. Ratification of Merit Increase for County Administrator and County Attorney

The Board approved Option 1: The Board approved Option 1: Ratify and confirm the Chairman's evaluations of the County Attorney, County Administrator, and approve the attached revised policy:

9. Approval of Covenants and Restrictions for Centerville Properties, Ltd.

This item was pulled by Chairman Grippa for discussion. He asked if the covenants and restrictions have been sent to the Baker Place Homeowners' Association. County Attorney Thiele responded that it had gone to them and they recommended that additional safeguards be provided.

Commissioner Sauls moved and was duly seconded by Commissioner Winchester to approve Option 1: Approve the proposed agreement imposing covenants and restrictions, authorize the Chairman to execute the agreement and authorize staff to record.

Commissioner Thaelle wanted to know if the County was going to be faced with enforcing covenants and restrictions with new subdivisions. County Attorney Thiele explained that the County does not have the authority to enforce private covenants and restrictions that are to the benefit of the homeowners within a particular subdivision. These covenants and restrictions are really for the public's benefit and are part of a plan to implement a comprehensive plan amendment that the City and County Commissions have agreed to. When the project goes through its final development plan, it will become a PUD and once the PUD is approved, it will be converted to deed restrictions and be locked into the PUD. Because of its limited applicability and short-term impact, the County Attorney did not foresee any problems.

The motion on the floor carried unanimously, 7/0.

10. Adoption of Resolution to Lease Office Space to the Tallahassee Area Convention & Visitors Bureau (TACVB)

The Board approved Option 1: Approve the lease agreement with the Tallahassee Area Convention and Visitors Bureau in the amount of \$43,200 for office space, approve the associated Resolution R03-67 and authorize the Chairman to execute:

11. Approval to Schedule the First and Only Public Hearing on Proposed Ordinance Amending the Leon County Code of Laws Regarding the Tourist Development Tax for Tuesday, October 28, 2003 at 6:00 p.m.

The Board Option 1: Schedule the first and only public hearing on the proposed ordinance amending the Leon County Code of Laws regarding the Tourist Development Tax for Tuesday, October 28, 2003 at 6:00 p.m.

12. Ratification of Board Actions Taken and Staff Assignments Given at the District 2 Community Meeting Held on September 2, 2003; the District 3 Community Meeting Held on September 4, 2003; the District 4 Community Meeting Held on September 3, 2003; and the District 5 Community Meeting Held on September 10, 2003

The Board approved Option 1: Ratify Board actions and staff assignments given at the above listed Community Meetings. See attachment:



13. ITEM REMOVED FROM THE AGENDA

14. Approval to Renew the Annual Contract Between Leon County and the Children's Home Society for Funding of Child Protection Examinations

The Board approved Option 1: Approve the second renewal of the annual contract with Children's Home Society for the period of one year, from October 1, 2003 to September 30, 2004, for the provision of child protection examinations.

15. Approval to Extend the Contract with Apalachee Center for Human Services for Funding of the Marchman Act and the Baker Act Services

The Board approved Option 1: Approve the option to renew the contract with Apalachee Center for Human Services for the period of one year, from October 1, 2003 – September 30, 2004, for substance abuse and mental health services to Leon County residents.

16. Approval to Renew the Primary Healthcare Program Contracts and Bond Community Health Center (Bond ChHC), Neighborhood Health Services (NHS), and Capital Medical Society (We Care)

The Board approved Option 1: Approve the renewal of the Primary Healthcare program contracts and authorize the Chairman to execute.

17. Board Consideration of the Continuation of the Neighborhood Justice Center Program (NJC)

Commissioner Proctor pulled this item and requested that it be brought back and placed under General Business for discussion. The recommendation is for closure of the NJC and Commissioner Proctor felt the discussion should involve the impacts of closing the program.

Commissioner Rackleff moved, duly seconded by Commissioner Thaell and carried unanimously, 7/0, to continue this item and to place it under General Business on the October 28, 2003 agenda.

18. Request to Schedule a Workshop on the Proposed Land Use Framework Developed for the Mahan Drive Corridor Study Area on Tuesday, November 18, 2003 from 2:30 – 3:30 p.m.

The Board approved Option 1: Schedule a workshop to discuss and grant conceptual approval of the proposed land use framework for the Mahan Corridor Study area on Tuesday, November 18, 2003 from 2:30 p.m. to 3:30 p.m.

19. Request to Schedule a Public Hearing to Adopt the Proposed Ordinance Establishing the Leon County Administrative Code

The Board approved Option 1: Schedule a public hearing for October 28, 2003 at 6:00 p.m. to adopt an ordinance establishing the Leon County Administrative Code.

20. Ratification of Board Actions Taken at the September 23, 2003 Workshop on Economic Development Issues Identified by the Economic Development Council as FY 2003-2004 Priorities

The Board approved Option 1: Ratify the Board actions taken at the September 23, 2003 Workshop on economic development issues, identified by the Economic Development Council as priorities for Fiscal Year 2003-2004. See attached:

21. Ratification of Board Actions Taken at the September 23, 2003  
Workshop on 2004 State and Federal Legislative Priorities

The Board approved Option 1: Ratify the Board actions taken at  
the September 23, 2003 Workshop on 2004 State and Federal  
Legislative priorities.

22. Approval of a Resolution that Supports the Continued Inclusion of a Local Sources First Policy in Chapter 373, Florida Statutes

This agenda requests that the Board approve a resolution that supports the continued inclusion of a local sources first policy in Chapter 373, Florida Statutes and opposes any amendment to Florida's existing water resource policy to allow, encourage or promote water transfers beyond a county's jurisdiction.

Commissioner Rackleff explained that he received a request from Mr. Charles Pattison to add the following paragraph under an additional "whereas" to the resolution. He circulated a copy of the proposed resolution, which he felt provided more specificity and resoluteness:

"Whereas, the Board of County Commissioners is opposed to adding another layer of bureaucracy through the creation of a "water supply commission" with the power to override Water Management District decisions to the detriment of local water resources and community needs."

Commissioner Rackleff moved, duly seconded by Commissioner Winchester to approve the resolution with the added language suggested by Commissioner Rackleff. Commissioner Winchester suggested that the paragraph be placed between the last two "whereas" clauses in the current resolution and Commissioner Rackleff concurred.

Commissioner Winchester noted that Alachua County will host, through its environmental protection division, a symposium for water resource protection in December 2004 and approximately 12 counties will be involved. He suggested that Leon County co-host, along with Alachua County, the symposium. He directed that the County Administrator work with Alachua County to co-host or to be a major player in the event. He suggested that the County follow through with the resolution and decide what the County should do to protect its water supply. Since this is a strategy session that Florida counties will use, Commissioner Winchester wanted to ensure that the County has strong representation, and that Commissioners and key water resource people in Leon County attend the strategy meeting.

Commissioner Proctor circulated an article from the *Florida Trend* and the *Jacksonville Paper* regarding the "water fight." He referred to a letter from Senator Lawson and stated that he is disappointed

that the Senator and Chairman of the natural resources committee did not include Leon County in his itinerary of public meetings on water issues. Commissioner Proctor asked that Leon County and citizens be included in public meetings on this issue.

Chairman Grippa stated that he concurred with Commissioner Proctor and he would call State Senator Lawson and offer the Chambers for an official meeting place.

The motion on the floor carried unanimously, 7/0. It was noted that this resolution is similar to what other counties have done. See attached Leon County Resolution No. R03-66:

23. Approval of Contract with MGT of America to Commence the Anecdotal, Legal, and Programmatic Review for the Minority/Women Business Enterprise (M/WBE) Program

The Board approved Option 1: Approve the waiver of a formal bid process, approve the contract with MGT of America in the amount of \$60,000, and authorize the Chairman to execute the contract.

24. Board Direction on Revision of the Purchasing and Minority Women Business Enterprise Policy

This item requests Board direction regarding adoption of a revision to the Purchasing and Minority/Women Business Enterprise (M/WBE) Policy to exempt 23/-2/3 Capital Projects from requiring M/WBE aspirational goals.

Commissioner Proctor pulled this item for discussion. Ms Agatha Muse-Salters, M//WBE Coordinator, responded to the Board's inquires.

Chairman Grippa requested that staff bring back one year's worth of historical information regarding M/WBE contractors/subcontractors. He raised various questions such as what is a good faith estimate process involve, what constitutes a breach of contract, and if there is a breach of contract, how does the County handle it. Chairman Grippa specifically spoke about situations where an W/WBE contractor switches subcontractors during the job with a vendor who is not W/WBE.

Commissioner Proctor moved, duly seconded by Commissioner Sauls and carried 6 - 1 (Commissioner Rackleff voted in opposition), to approve Option 1: Adopt the revised language and exempt the 2/3-2/3 Program from the M/WBE aspirational goals in Section 16 (b) of the Purchasing and Minority/Women Business Enterprise Policy. Ms. Muse-Salters advised that a two-year report would be provided to the Board in November.

25. Approval of Recommendations for Salaries of Employees at the Maximum of their Pay Grade for FY 2003-2004 and Authorize Payment

This agenda item considers two issues: 1) payments to Career Service employees whose base rate of pay (including the October 1, 2003, 4% or no less than \$1,000, pay increases the Board approved during the budget process) will be at or above the

maximum of their pay grade and subject to red circling: and, 2) payments to Senior Management/Executive/Executive Support employees whose base rate of pay, plus their October 1, 2003, merit increase would place them above the maximum of their pay range.

The Board approved Option 1: Authorize either a lump sum payment or combination of base pay and a bonus payment for employees at the maximum of their pay grad.

26. Ratification of Actions Taken at the September 16, 2003 Workshop on the Woodville Community Center Site Location and Building Facilities Program Analysis

The Board approved Option 1: Ratify Board actions taken at the September 16, 2003 Woodville Community Center Site Location and Building Facilities Program Analysis Workshop and direct staff to revise the Site 1, Option B concept plan for the Woodville Community Center and prepare an agenda item for review and approval by the Board. See attached:

27. Acceptance of an Fiscal Year 2003-2004 Florida Department of Environmental Protection (DEP) Innovative Recycling Grant in the amount of \$150,000

The approved Option 1: Accept the 2003/2004 Florida Department of Environmental Protection's (DEP) Innovative Recycling Grant of \$150,000, authorize the Chairman to execute the contract and approve the attached budget amendment and budget resolution:



28. Request to Schedule a Workshop on Countywide Flooded Property Acquisition and Flooding Issues for October 28, 2003 from 1:00 p.m. – 2:30 p.m.

The Board approved Option 1: Schedule the Countywide Flooded Property Acquisition and Flooding Issues Workshop on October 28, 2003 from 1:00 – 2:30 p.m.

29. Authorization to County Administrator to Reject Offers Received from Owners to Sell Flood-prone Property Located Within Harbinwood Estates Drainage Improvements Project Area and Extend Counteroffer, Based on Appraisals Amounts

Staff is requesting Board authorization for the County Administrator to pursue the acquisition of two flood prone properties located within the area of Harbinwood Estates Drainage Improvements Project, in accordance with Board Policy 03-01, by rejecting the offers submitted by the owners to sell their properties to the County and to make counteroffers in an amount equal to the appraisal amount of the properties.

The Board approved Option 1: Authorize County Administrator to reject the offers from the owners of the flood prone properties located within the project area, and to direct the County Administrator to extend counteroffers to the owners in an amount equal to the appraised value for the properties as set forth above.

30. Update on Eastside Locations for Possible Regional Stormwater Ponds

This item is an update on the search for possible regional stormwater pond locations on the eastside of Leon County. The majority of the eastside of the County falls within the Lake Lafayette Basin. The remaining areas cover the eastern sinks, the St. Marks and Lake Miccosukee Basins. However, these basins are rural and less developed compared to the Lake Lafayette Basin.

Chairman Grippa pulled this item for discussion. The Board engaged in a lengthy discussion regarding why flooding was not included as a criterion in conjunction with water quality when reviewing possible locations for regional stormwater ponds in eastern Leon County. Chairman Grippa suggested that flooding also be included as a criterion.

Mr. John Kraynak, GEM, responded to the Board's inquiries.

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried 6 – 1 (Commissioner Rackleff voted in opposition), to approve Option 2 with added language: Do not accept the staff update on possible locations for regional stormwater in eastern Leon County and do not wait until the final Lake Lafayette Watershed Management Study is completed to determine alternatives; direct staff to look at both water quality and flooding issues when locating sites for regional stormwater ponds.

31. Request to Approve Travel Expenses for Commissioner Proctor and Commission Aide DeLane Adams to Attend: 1) Presentation to the United States Treasury Board on Mortgage Disparity in District 1; 2) Follow up Meeting with Congressman Boyd's Staff and Congressman Sanford Bishop's Staff to Discuss Solutions for Cairo, Georgia Water Issue; and 3) the Meeting with Lobbyist Firm for Leon County, Patton Boggs, LLP

The Board approved Options 1: Approve travel expenses as requested.

*The Board engaged in Public Hearings, Item 43*

**Citizens to Be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)**

- a. Dorothy Spence, 3982 Chaires Cross Road, appeared and expressed concern regarding the poor attendance at the Dorothy C. Spence Community Center Board of Directors. She stated that she previously sent the Board attendance records of some members but the Board re-appointed them and they are still not attending the meetings. Ms. Spence pointed out that without a quorum, the Board cannot conduct business.

Staff was directed to obtain an updated attendance sheet and bring back an agenda item that includes the members' attendance issue and the lack of a quorum at staff's presentation to the Community Center Board on Sunshine, public records, ethics laws and the Board's new Advisory Committee Policy.

- b. David Lear, 1510 Dove Road, voiced complaint about a neighbor who frequently discharges a shotgun to get rid of squirrels in his backyard, which is located in a residential neighborhood with one-half-acre lots. Mr. Lear explained that he contacted the Leon County Sheriff's Office (LCSO) and they advised that because there

are no County Ordinances prohibiting the discharge of a firearm and as long as it is not pointed or aimed at a person, the neighbor is within his rights. He also advised that his neighbor throws the dead squirrels in a ditch, which could cause pollution.

Staff was directed to review other municipal codes regarding the use of firearms, obtain input from the Leon County Sheriff's Office and bring back an agenda item that discusses alternatives.

- c. George E. Lewis, II, 203 N. Gadsden Street, #6, addressed several issues regarding the Killlearn Lakes Unit 1 and 11 (Agenda Item 44) flooding and septic problems. He specifically voiced concerns about the bond requirement for engineers who design a sewer system.

Alex Mahon, Health Department, responded to the Board's questions.

The Board directed the County Attorney's Office to look at the legalities in depth and address issues raised by Mr. Lewis and to look at the practicality of enforcing the bond requirement.

- d. Ken Sumpter, 3003 E. Brevard, Florida Police Benevolent Association (PBA), made comments regarding the County's Emergency Medical Services (EMS) and stated that the study that was conducted by Fitch and Associates recommended that the Tallahassee Fire Department would be the entity that provided the quickest response time. He suggested that the County and City conduct a workshop on the issue.
- e. Tom Morreau, 234 E. 7<sup>th</sup> Avenue, Florida PBA, spoke about the County's Emergency Medical Services (EMS) dispatch and suggested the need for a streamlined model. He recommended that a workshop be conducted.

### **General Business**

- 32. Board Consideration of Owners' Request to Abandon Plans to Acquire Whole Property for Gateway Park in the Orange Avenue Widening Project

This agenda item request Board consideration of a property owner's request to abandon the Board's approved plan to acquire his whole property for a Gateway park in the Orange Avenue Widening Project and for staff to proceed with a partial acquisition to allow redevelopment of the remaining portion of the property not

needed for the road re-widening. Staff also seeks direction with regard to the property owner's offer to accept \$750,000 as full compensation for the partial acquisition.

The Board engaged in a lengthy discussion.

Mr. Tim Padgett, representing the owner of the property, Mr. Patel, indicated that Mr. Patel would sell part of his property for \$750,000 (partial acquisition) and requested the County not acquire the whole property. Staff indicated that the cost to purchase the entire property would be \$410,000 therefore it would save the County money to purchase the entire parcel rather than purchasing a portion of the property for \$750,000.

A lengthy discussion ensued and the Board discussed the importance of Mr. Patel's past and continuing commitment to the neighborhood and the fiscal impacts of each of the acquisition options.

Commissioner Proctor moved, duly seconded by Commissioner Winchester and carried 6 – 1 (Commissioner Thael voted in opposition), to approve Option 1 with added language: Option 1 – Abandon plans to acquire the whole property for Gateway Park, authorize staff to proceed with a partial acquisition of only the property needed for road widening, accept Mr. Patel's offer for full compensation in the amount of \$750,000, including attorney's fees and costs, and require an agreement with Mr. Patel showing that the property would not be redeveloped but would be used for continuance of the current store.

33. Adoption of Resolution to Initiate Chapter 164, Florida Statutes, Procedures for *Leon County v. City of Tallahassee*; Case No. 03-2195 (Southern Triangle Annexation Litigation)

The Board considered adoption of a resolution pursuant to Section 164.1052, to initiate the conflict resolution procedures provided for by Chapter 164, Florida Statutes.

Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried 6 – 1 (Commissioner Rackleff voted in opposition), to approve Option 1: Adopt the attached Resolution R03-65 initiating the conflict resolution procedures for Leon County, Florida v. City of Tallahassee; Case No. 03-2195 (Southern Triangle Annexation Litigation).

34. Acceptance of Status Report on the Cultural Resources Commission

This agenda item is the status report regarding creation, membership and organization of the Cultural Resources Commission (CRC).

Commissioner Winchester moved to approve Option 1: Accept status report and reject the City's proposal to modify the membership of the Cultural Resources Commission, and the process whereby the Board of Directors is selected, and authorize the County Administrator to inform the City Manager of same. Chairman Grippa suggested, before recognizing the motion, that the County Attorney explain some issues surrounding this agenda item.

County Attorney Thiele explained that the reason the issue was before the Board was to accept the status report on the analysis of County Attorney's Office as it relates to legal issues, and to provide instruction. (It was noted that the Chairman appointed Vice-Chairman Sauls to engage in negotiations with City Commissioner Katz, but Commissioner Thaell, as liaison to the CRC, ended up talking with Commissioner Katz.)

County Attorney Thiele engaged in discussion about the requirements for a statutory cultural resources commission. He indicated that if the County and City are going to have a CRC based on the Statutes like the one that currently exists, the City/County is required to keep the membership and appointment procedures that are set forth in the Statutes. Mr. Thiele explained that a CRC with a different membership and different appointment methodology is possible only if the current CRC and not-for-profit corporation were to be disbanded. A CRC that does not come under the umbrella of the Statutes could be created by interlocal agreement, although it would have not have had the ability to do public financing independently.

Commissioner Thaell stated that the CRC is a separate agency created by the County under Florida Statutes and therefore the CRC Board must approve any change to its bylaws. The County is compelled by the Law to respect the CRC governing rules and public notice requirements.

Commissioner Thaell moved and was duly seconded by Commissioner Proctor to transmit the amendments, which he submitted to the Board, to the CRC Board with the Board's

recommendation that they be considered and adopted. Commissioner Thael recommended that the CRC Board meet no later than November 15, 2003 to consider and adopt these amendments. He stated that the CRC Board of Directors was wholly supportive of the cultural plan as adopted by the County and the City; the public process that led to its creation considered changes that would enhance its ability to implement these required elements. He explained that the City's alternative proposal has asked for resignations of the current CRC Board member. County Attorney Thiele confirmed Commissioner Thael's comment that according to Florida Law, no CRC Board member can be required to resign by either the City or the County; therefore resignations would have to be voluntarily.

Commissioner Thael recommended that the CRC address the City's recommendation at their next meeting and that four members of the current CRC be encouraged to continue their service to the conclusion of their terms.

Commissioner Sauls asked if the amendments were mutually acceptable to both sides and Commissioner Thael responded that not all are in favor, and the City would like to abolish the current CRC.

Chairman Grippa concurred that the CRC remain a statutory CRC but that it could address valid concerns of the City. Mr. Thiele stated that he would like to review the amendment language and make suggestions to the Board if necessary. Chairman Grippa indicated that he concurred with City Commissioner Katz that an energized CRC Board was important and if the amended language meets concerns that were articulated, they could move forward with the cultural plan.

Commissioner Thael pointed out that the plan would not be successful if the institutions are going in different directions; the language he offered moves them in one direction.

Commissioner Rackleff asked about the language in the plan that refers to "heritage." Peggy Bradey, CRC, explained "heritage" was meant to define historic and ethnic communities. The Board concurred to include "historic preservation and ethnic heritage."

The motion carried unanimously, 7/0.

35. Approval of Mid-Year Funding Request in the Amount of \$3,000 for the Race Relations Summit Scheduled for October 28-29, 2003

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0. To approve Option 1:  
Approve funding for the Race Relations Summit at \$3,000 from the General Fund Contingency Account and approve the attached budget amendment:

36. Update on Wakulla County Comprehensive Plan Amendment CP-02-5 (n. G. Wade Investment Company)

This item was brought up with the Add-on agenda item requested by the County Administrator and seeks Board approval to challenge the Wakulla County Comprehensive Plan Amendment (CP-02-05) in order to address the roadway impacts that could be generated by this amendment.

The following citizens appeared:

Wakulla County Commissioner Kessler stated that he does not plan to speak on the issue at this time.

Parrish Barrick, Wakulla County Administrator, referred to a letter from Leon County about the proposed development and stated that he is here to respond to any questions.

Paul Johnson, Wakulla County, stated that he has been following this development closely and he works as a professional environmental consultant. He stated that he supports the development proposed for Wakulla County, which has stringent requirements.

Steve Brown, Wakulla County, appeared and stated that he represents a citizens' group, Wakulla County Tax Watch for a Higher Quality of Life. Mr. Brown advised that Tax Watch supports the development and that it would increase the tax base.

Mary Ellen Davis, Vice President Wakulla County Chamber of Commerce, presented a resolution that the Chamber passed which supports the N. G. Wade Development. She requested that Leon County also lend its support for the project. Ms. Davis stated that she believes that the potential benefits to both Wakulla and Leon County would outweigh the risk and the costs. Two resolutions were circulated to the Board, one from Tax Watch and one from the Chamber.)

Bob Routa, 2931 Crawfordville Highway, attorney for the landowner, N. G. Wade Investment Company, stated that he was not a registered lobbyist but would file tomorrow morning. The Board concurred. Mr. Routa asked that the Board withdraw the letter sent by the County Administrator so the process can move forward, which is only a change to the land use map. He gave background information about the project and the current status.



Commissioner Rackleff moved and duly seconded by Commissioner Thael to approve Option 1 of the Add-On item and Options 1, 2, and 3 of Agenda Item #36:

Add-On Option 1: Schedule a Joint Leon County/Wakulla County Commission Water Quality Workshop on Thursday, November 6, 2003 p.m. at the Woodville Elementary School.

Items 1, 2, and 3 of Item 36:

Option 1: Direct staff to provide objections to the Department of Community Affairs prior to their issuance of the Notice of Intent to find the amendment in compliance with state law;

Option 2: Challenge the amendment, pursuant to Section 163.3184(9), F.S. within 21 days of the issuance of the Notice of Intent if the Department of Community Affairs finds the amendment in compliance, or intervene if the Department of Community Affairs finds the amendment not in compliance;

Option 3: Seek to obtain an Interlocal Agreement with Wakulla County to ensure that any development within the 600-acre parcel complies with the Leon County concurrency policies and procedures as it results to impacts and mitigation to the Leon County roadway system. Obtaining such Interlocal Agreement would terminate the County's challenge to the Comprehensive Plan amendment.

The motion failed 5 – 2 (Commissioners Grippa, Sauls, Maloy, Proctor and Winchester voted in opposition).

The Board engaged in discussion regarding the traffic impacts as a result of the proposed N. G. Wade development and comp plan amendment and whether the County should file an objection with DCA prior to issuance of a Notice of Intent.

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0 to approve Option 1 of the Add-On item, as amended: Schedule a joint Leon County/Wakulla County Commission workshop on water quality and the Wakulla County Comp Plan Amendment (N.G. Wade Development) workshop on Thursday, November 6, 2003 at 3:00 p.m. at the Woodville Elementary School.

37. Adoption of Permanent Holiday Schedule and Policy for Board Employees

Commissioner Winchester moved, duly seconded by Commissioner Maloy and carried 3 – 2 (Commissioners Sauls and Rackleff voted **1**

in opposition; Commissioners Thael and Proctor were out of Chambers), to approve Option 1 as amended: Adopt the proposed "Holiday" policy, which establishes a permanent holiday schedule ~~of 10 paid holidays in 2004 and~~ that does not observe the Good Friday, Rosh Hashanah and Mom Kippur holidays, ~~which is consistent with the State of Florida and the City of Tallahassee~~ and increase the employees "swing" day from one (1) to three (3), allowing employees the opportunity to observe Good Friday, Rosh Hashanah and Yom Kippur, if they so choose.

The motion carried 3 - 2 (Commissioners Rackleff and Sauls voted in opposition and Commissioners Maloy and Proctor were out of Chambers).

38. Reconsideration of the Disposition of County Property Located on the Northwest Corner of Magnolia Road/Miccosukee Road Intersection (Miccosukee Road Improvement Project Parcel #113)

This agenda item involves reconsideration of the following:

- 1) Bid proposal submittal in response to the Invitation for bids for the disposition of County Property located on the Northwest corner of the Magnolia Road/Miccosukee Road Intersection and;
- 2) Board's authorization for staff to negotiate the contract for Purchase and Sale of Real Property, authorization for the County Administrator to execute Purchase and Sale Contract upon successful negotiations and authorization for the Chairman to execute County Deed conveying title of the property.

The Board engaged in a lengthy discussion regarding the design of the property. Commissioner Rackleff indicated the importance of having a pedestrian-friendly facility in line with the new urbanism philosophy or village center. He suggested that the proposed drugstore be placed on the front of the property rather than pedestrians having to walk across a large parking lot to get to the drugstore.

Commissioner Winchester moved, duly seconded by Commissioner Maloy to approve Options 1, 2, 3 and 4 with the addition of an Option 5:

Option 1 - Accept the bid for \$315,000 from RAM Development Company;

Option 2 - Authorize staff to negotiate contract for purchase and sale of real property;

Option 3 - Authorize the County Administrator to execute purchase and sale contract;

Option 4 - Authorize Chairman to execute County deed conveying title of the property.

Add Option 5: Construct the facility in accordance with the site plan rendering that was submitted (as suggested by Commissioner Winchester).

The following citizens appeared:

Beth Tedio, citizen, appeared and stated that she owns a business across from the subject parcel and pointed out that the area is pedestrian-oriented. She indicated that importance of accommodating pedestrians in a safe manner. Ms. Tedio preferred that the proposed Walgreen's store be constructed next to the sidewalk, which would be consistent with the neighborhood.

Kelley Dozier, 2101 E. Randolph Circle, explained that she owns a building on Miccosukee Road, near the subject property. She stated that the residents are attempting to preserve the character of the intersection by maintaining current buildings. Ms. Dozier indicated that the proposed facility is not appropriate for the corner. She suggested that the property be re-bid and that the County place more restrictions on the use of the property.

Michael Brezon, 1401 N. Randolph Circle, Committee Chairman for Betten Hills Neighborhood Association, Land Use Committee, appeared and talked about revitalization of the neighborhood. He stated that the residents are receptive to Walgreens at the site but they would like the sidewalks to be right next to the store like the other stores in the area.

Gary Yordon, representing Ram Development, indicated that Walgreens was an appropriate project for the area and he felt that the design captures urbanism. He pointed out that the Board previously made decision to move cars at the intersection when a decision was made for the road improvements; now there are 50,000 car trips per day at the intersection. Mr. Yordon referred to the renderings and pointed out that the developers have met with the neighbors and attempted to make it best as possible with the site constraints.

Nancy Linnan of Carlton and Fields, representing Ram Development, explained that the reason they cannot move the building next to road is because there are constraints caused by

the County's property, which is 3/4 of an acre. Listed are some of the reasons:

- The site slopes from Magnolia back to Lee Avenue, 13 feet – the property would have to be filled five feet
- This would cause the retaining wall to be higher, longer, and much more expensive
- Over 50 percent of the former Sullivan's Drug store on the corner is now lineage
- The City zoning requires a 25-foot setback so there will be no store on the street at all
- The County built a stormwater pond on the subject site; if a building is put closer to the street, it would be over the pond which is inappropriate; the pond should be under the parking lot
- TMH owns the parking lot in the back of the site and the developer has made arrangements with TMH to pave the parking lot
- If the building were placed in the front, they would lose access from Lee Avenue because of the slopes

Ms. Linnan talked about the importance of maintaining the integrity of the bidding process.

Commissioner Rackleff moved a substitute motion, seconded by Commissioner Thael to approve Option 5: Reject the bid as in the best interests of the County and authorize staff to re-advertise for bids.

The substitute motion failed 2 – 5 (Commissioners Grippa, Sauls, Maloy, Winchester and Proctor voted in opposition).

The original motion carried 6 – 1 (Commissioner Rackleff voted in opposition).

39. Board direction Regarding Further Actions in Resolving the Southerland's Construction of Erosion Control Facilities

On September 10, 2003 at the Board's District 5 Community Meeting, Mr. and Mrs. Southerland of 1471 Clifford Hill Road requested Board assistance in resolving drainage and permit issues associated with a privately owned drainage channel crossing their private property. The Board's direction was that staff investigate and assist the Southerlands using staff resources if possible. This agenda item is to report and request Board direction regarding further actions to be taken by staff.

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously 7/0, to approve Options 1 and 2:

- 1) Direct staff to pursue further actions to be taken on behalf of the Southerlands in resolving their construction of erosion control facilities to protect their home from stream erosion;
- Option 2) Direct staff to retain the services of Alan Nobles and Associates, Inc., under the County Continuing Services Contract in an amount not to exceed \$2,000 to assist the Southerlands in the resolution of issues associated with their construction of erosion control facilities to protect their home from stream erosion.

40. Review and Approval of the Flooded Property Acquisition Application Form and Submittal Deadline

At a previous Board meeting the Flooded Property Acquisition application form raised concerns for some Commissioners regarding the type of information requested. Staff is requesting confirmation of the application form and direction regarding the application deadline.

The Board engaged in a lengthy discussion regarding privacy issues such as medical conditions, disabilities, and social security numbers as it relates to the Flooded Property Acquisition application process. The Board talked about verification and using the state definition of workman's compensation for the definition of "disability." Teresa Hieker, Stormwater Engineer, and Tony Park, Public Works Director responded to the Board's inquiries and pointed out that the applicant could also put the last four digits of their social security on the application if they did not want to put the entire number due to privacy issues. Mr. Park pointed out that the application would not be considered incomplete if the applicant left off their social security number.

Commissioner Thael moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0, to approve Option 1: Approve the Flooded Acquisition Form, as distributed, and extend the application period to October 24, 2003. The Board directed the County Attorney to review the criteria for the application form and provide the Board with a definition of "disability" and that Public Works staff advertise the deadline extension, prepare a news release, and request that Commissioners submit names (to be placed on the acquisition list) for direct mailing.

41. Board Direction Regarding the Renovation of the McCord/Host House at the Northeast Branch Library

This agenda item seeks Board direction regarding bids received for renovation of the McCord/Host House at the Northeast Branch Library. The agenda request explained the issue.

Commissioner Winchester moved, seconded by Commissioner Sauls and carried unanimously, 6/0, (Commissioner Proctor was out of the Chambers) to approve Option 5, as amended: Conduct the abatement process, demolish the house and build a new parking lot for the Library's use at \$155,000, and return \$88,340 to the General Fund. In addition, add "Bruce Host Center" to the name of the Northeast Branch Library. See attached agenda request:

42. Consideration of a Proposal to Allow Permanent On-site Advertising Signs for Natural Areas Set Aside Under the Land Development Regulations Requirements

Commissioner Winchester pulled this item until further notice.

Add-On (by County Administrator): Extinguishment of Conservation Easement for the Life Deliverance Ministries Church Project

The agenda request explained that the current owner of property containing the Life Deliverance Ministries church project wishes to modify the boundaries of an existing conservation easement on this property. The church project was originally permitted by the County and the conservation easement required by this permit was granted to Leon County by Life Deliverance Ministry Church. The property was later annexed by the City of Tallahassee. The City appears willing to modify the boundaries of the conservation easement but advised the property owner that the County will first need to "disclaim" (extinguish) easement. This item requests the Board's consideration of the property owner's petition for the County to extinguish (abandon) its claim and ownership of the conservation easement.

Commissioner Rackleff moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Proctor was out of Chambers), to approve Option 1: Direct staff to proceed with the extinguishment of the County's claim and ownership of the existing conservation easement once the City of Tallahassee has accepted responsibility for processing future modifications to Environmental Management Permit LEM 00-00069.

**Public Hearings**

43. Second Public Hearing on the Proposed Ordinance to Repeal the Existing RC-Rural Community Zoning and Implement Proposed Zoning Code Map Amendments to Implement the Woodville Rural Community Future Land Use

Pursuant to legal advertisement, the Board conducted the second public hearing on the proposed Woodville Site Specific Zoning Map. This rezoning implements amendments to the Comprehensive Plan that created and mapped the Woodville Rural Community Future Land Use designation.

The following citizens appeared:

George Gonzales, representing St. Joe Company, appeared and stated that he supports staff's recommendation.

Lex Thompson stated that he and his son, Jamie Thompson, purchased 160 acres from St. Joe Paper Company last year because it allowed mobile homes on the property. He explained that Jamie has completed one limited partition and has sold several of the lots, and his second limited partition is almost complete. The property is bordered by Pine Acres Subdivision, a mobile home subdivision. Mr. Thompson referenced a copy of a letter from a real estate firm in Tallahassee which indicates that the subject property is not suitable for site built homes and builders have not shown any interest in building on the property. The property would lose any potential for development if the zoning were changed. Mr. Thompson requested that the 40 acres of the property that was zoned rural residential be zoned R-5 so they can continue to put mobile homes on it. Regarding the additional 120 acres that is zoned rural, Mr. Thompson stated that if the Board would reduce the density, he would consider accepting the entire 160 acres being zoned urban fringe (which would give a transition from the half acre to the rural 10 acre lots).

Commissioner Sauls asked staff to address the issue as well as the property or Mr. Petrandis, suggesting that R-5 would be appropriate.

David McDevitt, GEM, appeared and stated that R-5 would be an appropriate designation and would stay consistent with the surrounding land use pattern for the Petrandis and Thompson tracts (south of Natural Wells Road).

Commissioner Sauls moved and duly seconded by Commissioner Winchester to approve Option 1 as amended: Conduct the second public hearing and adopt the proposed ordinance to repeal the existing RC-Rural Community Zoning and adopt the proposed zoning map, with the exception of two parcels, Petrandis and Thompson tracts, south of Natural Wells Road, would be designated R-5.

The motion carried 4 - 3 (Commissioners Proctor, Rackleff, and Thaele voted in opposition). See attached Leon County Ordinance No. 03-31:



44. First Public Hearing to Create Chapter 18-73, Killearn Lakes Unit 1 and II Special Development Zone, of Article III, "On-site Sewage Disposal Systems," of the Leon County Code of Laws

County Attorney Thiele explained that the proposed ordinance would, based on geography and topos, impose significant new restrictions on the use of septic tanks and would ban the use of mounded septic tanks or drainfields for Killearn Lakes Units 1 and II.

The proposed ordinance language creates a "Special Development Zone" for Killearn Lakes Units 1 and II with recommended criteria. Chairman Grippa suggested taking out criteria numbers 2 and 3: Criteria 2: Require the use of aerobic treatment units/ATU's; Criteria 3: Allow for the use of other alternative treatment or performance-based systems that produce an effluent quality to or greater than that of ATU's.

Chairman Grippa explained that the County, through the ordinance, would be banning mounded septic tanks in Unit 1 and Unit 2. It would require any septic tank that is put in to meet certain criteria, which he listed and is explained in the agenda request. He suggested adding language in Criteria No. 7 as underlined: Design engineer and/or developer must guarantee system from failure for a period of five years and will secure a bond to assure it.

Chairman Grippa explained that Step 2, which is in the action plan, is actually a moratorium. He was concerned that people would attempt to build as soon as they could once they heard about a moratorium; a moratorium allows 18 months to correct a problem. The plan would accomplish various things listed in the ordinance; if and when sewer becomes available, the Board could then implement a moratorium while sewer is being installed, thus correcting the problem at hand.

Alex Mahon, Health Department Director, explained that an ATU was a specific type of system, not a provider, and it has a much cleaner effluent than a standard septic system. Chairman Grippa asked that staff bring back a scenario that allows a septic system that does not fail for 20 years and hold the bond for 10 or 20 years; they should be allowed to put in a septic system like any other septic system under law assuming that it works and functions properly. He did not want to ban that.

Commissioner Rackleff noted that this becomes effective on October 28 at the final public hearing if the Board approves the ordinance. He wanted to know if there would be a rush to apply for permits and if the County would have to grant them. Mr. Mahon advised that once the applicant makes an application for a septic system permit and they meet the current requirements of rule and law, he would be bound to issue one.

Mr. Mahan reported that this would assist the problem that is occurring in Killearn Lakes Units 1 and II; the 1987 study indicates that septic systems do not function in Killearn Lakes Unit 1; in Unit II, they would be problematic.

The Chairman indicated that the proposed ordinance would give the County Attorney "teeth" to go after engineers and other people who are wrongly certifying septic tanks; if that occurred, the County would have recourse. If central sewer is put in Killearn Lakes Units 1 and II, the County could place a moratorium until sewer could be hooked up.

County Attorney Thiele circulated and suggested the following language: "This ordinance shall be effective upon becoming law but shall be applicable to all permits applied for on or after 10/14/03." He further explained that legally the Board cannot adopt *ex post facto* laws, which apply to relationships, or contracts, which have been entered into prior to the date of the law. If a person has not applied as of today, they will know what the law is; this is an effort to thwart an attempt for people to rush towards obtaining a permit.

Chairman Grippa stated that he is comfortable with the ordinance and the ATU system as discussed.

Commissioner Winchester moved, duly seconded by Commissioner Thael and carried unanimously, 6/0, to approve Options 1 and 2 with the changes.

45. First and Only Public Hearing on the Hampton Creek Type C Site and Development Plan

Pursuant to legal advertisement, a public hearing was conducted on the proposed Hampton Creek Type C site and Development Plan.

Commissioner Maloy moved, duly seconded by Commissioner Sauls, to approve Option #1: Conduct the first and only public

hearing and approve the proposed Type C site and development plan for the Hampton Creek development based on the recommendation of the Development Review Committee (DRC). The motion carried unanimously, 5/0 (Commissioners Proctor and Rackleff were out of Chambers).

46. First and Only Public Hearing for Proposed Amendments to the Local Preference Ordinance

Pursuant to the following legal advertisement, a public hearing was conducted to amend the Local Preference Ordinance in order to change the definition of "local business" and provide other clarification to the ordinance.

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Proctor and Rackleff were out of Chambers), to approve Option 1: Conduct the public hearing and adopt the proposed revisions to the Local Preference Ordinance: See attached Leon County Ordinance Number 03-32:

Citizens to be Heard on Non-Agendaed Items:

Major John Schmidt, Leon County Sheriff's Office (LCSO), thanked the Board for their confidence in the LCSO by requesting that they manage the EMS Dispatch for Leon County. He explained that since the Sheriff's Office has been working on the EMS dispatch as instructed by the Board, the PBA (Police Benevolent Association) and the Police Department have attempted to undermine their efforts. Major Schmidt advised that the LCSO EMS dispatch was a very stable and professional system.

Chairman Grippa read a letter from City Mayor Marks regarding a Joint City/County Workshop about policy issues on a joint dispatch for EMS. The letter states that the City remains open to providing ALS service in the County if the City and County can come to terms on a reasonable contract. County Administrator Alam explained that the City Manager, the Assistant City Manager and the Fire Chief have agreed to the numbers. It was noted that Mayor Marks would be asking the City to conduct a workshop on Friday, October 24<sup>th</sup> at 2:00 p.m. and invited the Board to attend. The Board indicated that they have already made their decision to move forward with the County EMS, although they would continue to pursue a joint dispatch.

Chairman Grippa advised that he would write a letter to the Mayor stating that there are only 10 weeks remaining until the County's EMS Program begins, and that the County is committed and confident that the LCSO can handle the dispatch program. The letter would advise that in the future, the County would contact the City and propose a joint City/County meeting to discuss a joint dispatch center. Commissioner Thael asked that staff research other dispatch/joint dispatch center models, including civilian-run operations.

It was noted that the County has made Joint Communications/Dispatch a Board Retreat priority for the past 2-3 years and the City has not cooperated in this effort.

County Administrator

Add-On:

Grant Program to Subsidize or Pay Ad Valorem Taxes for Active Military Personnel

The Board engaged in discussion regarding the definition of "active military personnel." They also discussed criteria and eligibility

requirements, funding sources, and expansion of other social services to families of deployed military personnel. The Board talked about waiving ad valorem property taxes and questioned the possibility of providing grant assistance to renters, waiving fees for license plates and partial grants versus full grants.

Commissioner Thael moved, seconded by Commissioner Winchester and carried unanimously, 7/0, to direct staff to bring back an agenda item drafting criteria and eligibility guidelines; and consider the possibility of using the remaining McCord-Host House project funds for this grant program and include a fiscal impact analysis. Staff was requested to consult the American Red Cross and the AUSA. The motion carried unanimously, 7/0.

*Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to waive the 11:00 p.m. curfew and extend the meeting until 11:10 p.m.*

#### County Attorney

Reminded the Board about a press conference that would be held tomorrow, October 15<sup>th</sup> at 2:00 p.m.

#### Discussion Items by Commissioners

##### Commissioner Winchester:

Requested that staff check out the possibility of installing a traffic light and turn lanes at the school intersection of Meridian Road/Henderson Road/Old Bainbridge Road across from Raa Avenue.

##### Commissioner Sauls

Advised that she would not be able to attend the Gaines Street sub-committee in Chipley. Chairman Grippa noted that he would plan for someone to attend.

##### Commissioner Thael

- a. Requested a resolution for National Guard.
- b. Requested an agenda item on the status of Freenet.
- c. Requested that staff respond to the Partners for Highway Safety (Paul Burris) regarding appropriations of \$70,000 from the Greg Burris Memorial Fund (Schlossberg Act).

##### Commissioner Proctor

Reported on the Crawfordville Road Groundbreaking ceremony. 1

Commissioner Rackleff

Commented on his vacation trip to Italy.

Chairman Grippa

- a. Announced that he was the Chairman of the Local Governments' United Way Campaign.
- b. Asked if staff would be able to donate vacation days to charity. County Administrator Alam explained that it could not be allowed.
- c. Requested an agenda item about donating his car allowance to charity rather than it going back into the General Revenue.
- d. Requested a resolution for AUSA.

There being no further business to come before the Board, Commissioner Sauls moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to adjourn the meeting at 11:16 p.m.

Approved: \_\_\_\_\_  
Jane Sauls  
Chairman

ATTEST:

\_\_\_\_\_  
Bob Inzer  
Clerk of the Circuit Court